

7,077,832.

Sep. 21. 2006 3:32PM

KCI Concepts Inc.

No. 3639 P. 1/10

PTO/SB/21 (07-06)

Approved for use through 09/30/2008. OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages In This Submission

11

Application Number

10/058,251

Filing Date

January 24, 2002

First Named Inventor

Wilhelm Fleischmann

Art Unit

3743

Examiner Name

Kim M. Lewis

Attorney Docket Number

VAC.726A.US

RECEIVED  
CENTRAL FAX CENTER

SEP 21 2006

## ENCLOSURES (Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)



Reply to Missing Parts/  
Incomplete Application



Reply to Missing Parts  
under 37 CFR 1.52 or 1.53



Drawing(s)



Licensing-related Papers



Petition



Petition to Convert to a  
Provisional Application



Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s)

Landscape Table on CD



After Allowance Communication to TC



Appeal Communication to Board  
of Appeals and Interferences



Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)



Proprietary Information



Status Letter



Other Enclosure(s) (please identify  
below):

Letter

Certificate of Correction

Copy of Amendment

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Kinetic Concepts, Inc.

Signature

Robert W. Mason

Printed name

Robert W. Mason

Date

9-21-06

Reg. No.

42,848

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

K. Rötter

Typed or printed name

Karola Rötter

Date

09/21/06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

SEP 22 2006

BEST AVAILABLE COPY

Certificate  
SEP 22 2006  
of Correction

PTO/SB/17 (07-06)

Approved for use through 01/31/2007. OMB 0551-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/03/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4318).**FEE TRANSMITTAL**  
**For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 100.00**Complete If Known**

Application Number	10/056,251
Filing Date	January 24, 2002
First Named Inventor	Wilhelm Fleischmann
Examiner Name	Kim M. Lewis
Art Unit	3743
Attorney Docket No.	VAC.726A.US

**RECEIVED**  
**CENTRAL FAX CENTER****SEP 21 2006****METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 500326 Deposit Account Name:

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
- 20 or HP =	x	=		Fee (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Certificate of Correction

**Fees Paid (\$)**

100.00

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	42,848	Telephone	210.255.6271
Name (Print/Type)	Robert W. Mason	Date	9-21-06		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

BEST AVAILABLE COPY

SEP 22 2006

SEP 21 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 7,077,832 Confirmation No.: 9084  
Applicants : Wilhelm Fleischmann  
Issued : July 18, 2006  
TC/A.U. : 3743  
Examiner : Kim M. Lewis  
Docket No. : VAC.726A.US  
Customer No.:30159

Attention Certificate of Corrections Branch  
Commissioner for Patents  
P.O. BOX 1450  
Alexandria, VA 22313-1450

LETTER

Commissioner:

Applicant respectfully requests the correction of the assignee. The above-mentioned patent has not been assigned to KCI Licensing, Inc.

The form PTOL-85 has been submitted with the incorrect data on September 27, 2005.

A Certificate of Correction and the fee in the amount of \$100.00 has been enclosed.

The additional corrections are typographical errors. Copies of the Amendments dated January 5, 2005 and October 6, 2004 are enclosed herewith.

Respectfully submitted,



For Applicant  
Robert W. Mason, Reg. No. 42,848  
Intellectual Property Counsel  
Kinetic Concepts, Inc.  
Legal Department - Intellectual Property  
8023 Vantage Drive, San Antonio, Texas 78230  
Telephone: 210.255.6271, Facsimile: 210.255.6969  
E-mail: robert.mason@kci1.com  
I:\Patents\VAC.726\VAC.726A.US\VAC.726A.US Letter re Certificate of Correction.doc/kr

SEP 22 2006

PTO/SB/44 (04-05)

Approved for use through 04/30/2007. OMB 0851-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.  
(Also Form PTO-1050)**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 7,077,832  
APPLICATION NO.: 10/056,251  
ISSUE DATE : January 24, 2002  
INVENTOR(S) : Wilhelm Fleischmann

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 9, line 32 replace "substrates" with "substances"  
Column 9, line 48 replace "mechanism" with "mechanisms"  
Column 9, line 50 insert "interval" between "time" and "between"  
Column 10, line 12 replace "mechanism" with "mechanisms"  
Column 10, line 20 replace "openly" with "operably"  
Column 10, line 25 insert "said" between "the" and "supply"  
Column 10, line 35 insert "said" between "wherein" and "controller"  
Column 10, line 50 replace "close" with "closure"

(73) Assignee, delete "KCI Licensing, Inc." as assignee. Patent has not been assigned. Inventor and Assignee is Wilhelm Fleischmann.

**MAILING ADDRESS OF SENDER (Please do not use customer number below):**

Robert W. Mason  
Kinetic Concepts, Inc.  
P.O. Box 659508, San Antonio, TX 78265

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

SEP 22 2006

RECEIVED  
CENTRAL FAX CENTER

Oct. 6. 2004 11:45AM KCI Legal IP

SEP 21 2006

No. 4476 P. 7

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

App. No. : 10/056,251 Confirmation No. 9084  
Inventor : FLEISCHMANN, Wilhelm  
Filed : January 24, 2002  
Group Art Unit : 3743  
Examiner : LEWIS, Kim M.  
Docket No. : VAC.726A.US  
Customer No. : 30159  
Title: : PROCESS AND DEVICE FOR APPLICATION OF ACTIVE  
SUBSTANCES TO A WOUND SURFACE AREA

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF  
TRANSMISSION/MAILING  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being facsimile  
transmitted to the USPTO or deposited with the U.S. Postal  
Service as First Class Mail in an envelope addressed to  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450, on the date below:

10/06/2004  
Date

*Charles R. Ridd*  
Charles Ridd

AMENDMENT

Response to Office Action Dated May 17, 2004

Dear Sir or Madam:

A Petition under 37 C.F.R. 1.136(a) for a two-month extension of time is attached hereto. In response to the Office action of May 17, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

SEP 22 2006

Oct. 6. 2004 11:45AM KCI Legal LP

No. 4476 P. 8

App. No. 10/056,251  
Amdt. dated October 6, 2004  
Reply to Office Action of May 17, 2004

Amendments to the claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 1-20 (canceled)

Claim 21 (currently amended): A device for application of active substances to a wound surface, said device comprising:

    a padding of porous material adapted for application upon a wound surface,

    a sealing cover for covering the wound surface and the padding and adapted to be sealingly applied to the skin surface,

    at least one supply line introduced into the padding for supplying a fluid active substance, and

    at least one removal line introduced into the padding for removing said active substance, said the removal line connectable to a vacuum source,

    wherein said the supply line is provided with a controllable closure mechanism, said the removal line is provided with a controllable closure mechanism and a controller is provided which temporally controls these closure mechanisms so that the closure mechanism of the supply line and the closure mechanism of the removal line are not open at the same time and that in the time interval between the closure of the closure mechanism of the supply line and the opening of the closure mechanism of the removal line a treatment dwell time interval is provided.

Claim 22 (previously presented): The device according to claim 21, wherein said padding is comprised of an elastic compressible porous material.

SEP 22 2006

Oct. 6. 2004 11:46AM KCI Legal IP

No. 4476 P. 9

App. No. 10/056,251  
Amend. dated October 6, 2004  
Reply to Office Action of May 17, 2004

**Claim 23 (previously presented):** The device according to claim 22, wherein said padding is comprised of an open pored PVA-foam material.

**Claim 24 (previously presented):** The device according to claim 21, wherein the sealing cover is a flexible foil, which is air tight yet permeable to water vapor.

**Claim 25 (currently amended):** The device according to claim 21, wherein ~~said the~~ supply line and ~~said the~~ removal line are introduced into the padding via a common drainage hose.

**Claim 26 (currently amended):** The device according to claim 21, wherein ~~said the~~ supply line and ~~said the~~ removal line are respectively introduced into the padding via separate drainage hoses.

**Claim 27 (previously presented):** The device according to claim 21, further comprising a controller for controlling the timing of the opening process of the closure mechanism of the supply line.

**Claim 28 (previously presented):** The device according to claim 21, further comprising a controller for controlling the opening process of the closure mechanisms of the removal line.

**Claim 29 (previously presented):** The device according to claim 21, wherein said controller, after a suctioning period, determines a vacuum time interval in which a predetermined vacuum is maintained in the padding.

Oct. 6. 2004 11:46AM KCI Legal IP

No. 4476 P. 10

App. No. 10/056,251  
Amnt. dated October 6, 2004  
Reply to Office Action of May 17, 2004

**Claim 30 (previously presented):** The device according to claim 21, further comprising a pressure sensor adapted to be introduced under the sealing cover, and operably connected with said controller.

**Claim 31 (previously presented):** The device according to claim 21, wherein the closure mechanisms are electromagnetic, pneumatic or hydraulic operated hose clamps.

**Claim 32 (currently amended):** The device according to claim 31, wherein at least one of said ~~the~~ supply line and removal line are constructed as a hose, wherein said hose clamps have a receptacle for receiving said ~~the~~ supply line or removal line, and wherein said hose clamps have a piston responsive to said controller and adapted for squeezing said hose against a hose claim sidewall.

**Claim 33 (previously presented):** The device according to claim 21, wherein said closure mechanisms are multi-way valves.

**Claim 34 (previously presented):** The device according to claim 33, wherein said multi-way valves are operable via a step motor controlled by said controller.

**Claim 35 (previously presented):** The device according to claim 21, wherein said controller is programmable electronic controller.



Oct. 6. 2004 11:46AM KCI Legal IP

No. 4476 P. 11

App. No. 10/036,251  
Amdt. dated October 6, 2004  
Reply to Office Action of May 17, 2004

Claims 36-39 (canceled)

**Claim 40 (currently amended):** A device for application of substances to a wound surface,  
said device comprising

a padding of porous material adapted for application upon a wound surface,  
a sealing cover for covering the wound surface and the padding and adapted to be  
sealingly applied to the skin surface,  
at least one supply line introduced into the padding for supplying a substance, and  
at least one removal line introduced into the padding for removing said substance, ~~said~~  
the removal line connectable to a vacuum source,

wherein ~~said the~~ supply line is provided with a controllable closure mechanism, ~~said the~~  
removal line is provided with a controllable closure mechanism and a controller is provided  
which temporally controls these closure mechanisms so that the closure mechanism of the supply  
line and the closure mechanism of the removal line are not open at the same time and that in the  
time interval between the closure of the closure mechanism of the supply line and the opening of  
the closure mechanism of the removal line a treatment dwell time interval is provided.

SEP 22 2006

Oct. 6. 2004 11:46AM KCI Legal IP

No. 4476 P. 12

App. No. 10/056,251  
Amdt. dated October 6, 2004  
Reply to Office Action of May 17, 2004

RECEIVED  
CENTRAL FAX CENTER

SEP 21 2006

REMARKS/ARGUMENTS

Claims 21-35 and 40 are pending in this application.

Amendments to claims

Applicant has amended the claims to substitute --the removal line-- for "said removal line" and --the supply line-- for "said supply line" as requested by the Examiner. The amendments correct mere informalities and have no effect on the scope of the claims.

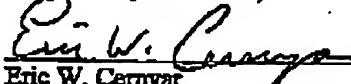
In view of these amendments, and the Examiner's comments regarding the allowability of claims 21-35 and 40, claims 21-35 and 40 are now submitted to be in condition for allowance.

Believing it has addressed all matters raised by the Examiner's May 17, 2004 Office Action, Applicant respectfully requests a Notice of Allowance. No fees are believed to be required for the amendment. Nevertheless, the Commissioner is permitted to deduct or credit any fees that may be required from Kinetic Concept Inc. Deposit Account No. 500-326.

If upon consideration of the above, the Examiner should feel that outstanding issues remain in the present application that could be resolved, the Examiner is invited to contact the undersigned at the telephone number indicated to discuss resolution of such issues.

Applicant respectfully requests favorable consideration.

Respectfully submitted,



Eric W. Ceroyar  
Reg. No. 45,919  
Attorney for the Applicant

TEL: (210) 863-0063  
FAX: (210) 255-6969

SEP 22 2006